

REMARKS

The following is intended as a full and complete response to the Office Action mailed on February 25, 2004. Claims 1-18 were examined. The Examiner rejected claims 1-18 as double patenting with respect to claims 1-16 of Application No. 10/031,916 under 37 C.F.R. § 1.78(b). The Examiner rejected claims 1, 14 and 18 under 35 U.S.C. § 102(b) as anticipated by Harman. The Examiner rejected claims 2-13 and 15-17 under 35 U.S.C. § 103(a) as being unpatentable over Harman.

Objections

The Examiner objected to informalities in claims 1, 11 and 16. In response, Applicants amended claims 1, 11 and 16 to correct the informalities as suggested by the Examiner. Accordingly, Applicants request withdrawal of the objections and allowance of the claims.

Double Patenting Rejection

The Examiner rejected claims 1-18 as double patenting with respect to claims 1-16 of Application No. 10/031,916 under 37 C.F.R. § 1.78(b). In response, Applicants have elected to abandon the Application No. 10/031,916. Accordingly, Applicants request withdrawal of the rejection and allowance of the claims.

Rejections under 35 U.S.C. § 102(b)

The Examiner rejected claims 1, 14 and 18 under 35 U.S.C. § 102(b) as anticipated by Harman (U.S. 5,727,099). In response, Applicants are amending claim 1 and respectfully traverse as the rejection might be applied to the amended claim and claim 14.

Claim 1 as amended recites the limitation that both a first holding block and a second holding block are fitted to a second optical waveguide and are spaced from each other with respect to a longitudinal direction of a variable-length element. However, Harman fails to teach two separate and spaced holding blocks fitted to one optical waveguide. Rather, Harman discloses a second holding block (reference character 40 in Figure 2) as identified by the Examiner that is not fitted to any optical waveguide or fiber. Harman therefore fails to teach or suggest each and every limitation of amended claim 1, and this failure precludes Harman from anticipating amended claim 1. Thus, Applicants submit that amended claim 1 and claims 14 and 18, dependent on amended claim 1, are in condition for allowance and respectfully requests withdrawal of the § 102(b) rejection of these claims.

Applicants further traverse the rejection of dependent claim 14, which recites the limitation that the spring element consists of bent spring sheet. By contrast, Harman discloses only a helical spring and therefore cannot anticipate claim 14. Accordingly, Applicants request withdrawal of the rejection and allowance of the claim.

Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 2-13 and 15-17 under 35 U.S.C. 103(a) as being unpatentable over Harman.

Applicants respectfully submit that claims 2-13 and 15-17 are patentable over Harman based at least on the traversal described above with respect to amended claim 1, upon which claims 2-13 and 15-17 depend. Furthermore, Applicants traverse the rejection of dependent claims 5-7 and claims 11-13, which recite the limitation that the spring element is formed by holes or slots in a variable-length element or a holding element. Again, by contrast, Harman

discloses only a helical spring. Thus, Applicants respectfully request withdrawal of the § 103(a) rejection and allowance of claims 2-13 and 15-17.

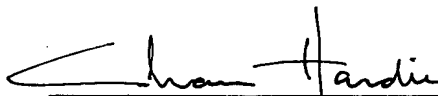
Claims 19-20

Similar to amended claim 1, Applicants submit that claims 19 and 20 are patentable over the cited references since these claims include the limitation of first and second holding blocks affixed to a second optical waveguide in a spaced relation, which, as set forth above the cited references fail to teach, show or suggest.

Conclusion

Based on the above remarks, Applicants believe that they have overcome all of the rejections set forth in the Office Action mailed February 25, 2004 and that the pending claims are in condition for allowance. If the Examiner has any questions, please contact the Applicants' undersigned representative at the number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chance Hardie", is written over a horizontal line.

Chance Hardie
Registration No. 55,247
MOSER, PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, Texas 77056-6582
Telephone: (713) 623-4844
Facsimile: (713) 623-4846